

1 of 100 DOCUMENTS

Copyright 2008 The Baltimore Sun Company  
All Rights Reserved  
The Baltimore Sun

January 15, 2008 Tuesday  
FINAL EDITION

**SECTION:** TELEGRAPH; Pg. 1A

**LENGTH:** 1338 words

**HEADLINE:** IN MD., MOST WANT OPTION OF EXECUTION;  
33% FAVOR ENDING CAPITAL PUNISHMENT;  
THE SUN POLL DEATH PENALTY

**BYLINE:** Jennifer McMenamin, Sun reporter

**BODY:**

A month after New Jersey became the first state in decades to abolish the death penalty, a majority of Maryland voters do not support enacting a similar repeal, according to a new Sun poll.

Fifty-seven percent said they want the death penalty to remain legal, while 33 percent said they would ban it. About 10 percent of likely voters polled said they were not sure.

Support for capital punishment ran the highest among residents of Baltimore County - where prosecutors are more likely to seek a death sentence for convicted killers than anywhere else in the state - and in Anne Arundel County, the Eastern Shore and Western Maryland.

"Why should we support them in jail for the rest of their lives when they're criminals?" asked Evelyn Larkin of Towson, who does bookkeeping for her son's party tent rental business. "I believe what the Bible says - an eye for an eye, and if they kill, they should be killed. I guess I'm hard-boiled at 85, right?"

The statewide poll of 904 likely voters was conducted Jan. 6 to Jan. 9 for The Sun by the independent, nonpartisan firm OpinionWorks of Annapolis. It has a margin of error of 3.5 percentage points.

Capital punishment has been the subject of intense debate in Maryland in the past several years. Opponents question whether there are racial or geographic disparities in how the death penalty is imposed here, an argument bolstered by a 2003 University of Maryland study.

Then-Gov. Parris N. Glendening enacted a yearlong moratorium while the University of Maryland study was completed, but it expired under Gov. Robert L. Ehrlich Jr. Last year, Gov. Martin O'Malley led a failed attempt in the General Assembly to abolish capital punishment.

IN MD., MOST WANT OPTION OF EXECUTION; 33% FAVOR ENDING CAPITAL PUNISHMENT; THE SUN POLL DEATH PENALTY The Baltimore Sun January 15, 2008

Tuesday

Follow-up interviews with poll respondents who agreed to speak with reporters suggested that the debates in Annapolis have been mirrored across the state and continue in the minds of many death penalty supporters. Many said the decision of whether to support capital punishment is a difficult one and that they have wavered in their views over the years.

"I think so. I'm not real sure. It's too hard to say," Terry Kovacina, a 50-year-old Calvert County resident, said in explanation of her support for the death penalty.

Like many poll respondents who were interviewed, Kovacina expressed concern about the number of death row inmates who are later exonerated by DNA evidence and the possibility that an innocent person could be put to death for crimes he or she did not commit.

"What if they're wrong? What if the decision is wrong and we kill somebody who didn't really do it?" asked Kovacina, who works as a supervisor at a direct mailing operation. "In most cases, when they give the death penalty, the crime is horrendous. But if we kill them and they're not guilty, we are almost as guilty as we thought they were."

There have been 126 death row inmates exonerated since 1973, according to the Death Penalty Information Center in Washington. The first to be freed as a result of DNA evidence was Kirk Bloodsworth, who spent nine years in prison - including one on Maryland's death row - for the rape and murder of a 9-year-old Baltimore County girl.

The Sun's survey revealed weaker support for the death penalty in Maryland - one of 36 states with a capital sentencing option for convicted killers - than in a national Gallup poll conducted in October. In that survey, 69 percent of respondents around the country said they were in favor of the death penalty for a convicted murderer, while 27 percent said they were not.

But support for capital punishment drops precipitously when pollsters introduce the alternative sentence of life in prison without possibility of parole.

Asked in 2006 whether death or life without parole is the better penalty for murder, 47 percent chose the death penalty and 48 percent picked life without parole, according to the Gallup poll.

In Maryland, a poll of 625 registered voters conducted in February by Mason-Dixon Polling & Research revealed a similar drop. In that statewide survey, commissioned by the Maryland Catholic Conference, which opposes capital punishment, 56 percent expressed support for the death penalty while 34 percent opposed it. But asked a follow-up question, 61 percent said they thought life without parole is a suitable alternative to a death sentence.

Jane Henderson, executive director of Maryland Citizens Against State Executions, said the straight yes-or-no question solicits a "gut response" that convicted killers ought to be punished as severely as possible.

"People think, 'If they're going to get out of prison, I'd rather have them executed,'" she said. "But if you offer people the option of what they think is a harsh sentence that doesn't involve an execution, people will take it."

Kathryn Huggler, 51, of Parkville, said she has wrestled with the issue for her entire adult life and can't make up her mind. She said she believes that life without parole is, in most cases, a suitable alternative - so long as it actually means that the convicted killer has no chance of ever being released from prison.

IN MD., MOST WANT OPTION OF EXECUTION; 33% FAVOR ENDING CAPITAL PUNISHMENT; THE SUN POLL DEATH PENALTY The Baltimore Sun January 15, 2008

Tuesday

"Society is entitled to be safe from monsters," she said.

The Maryland legislature added life without parole as a sentencing option in 1987.

Baltimore County State's Attorney Scott D. Shellenberger, whose office is now prosecuting seven capital cases, said the poll "solidifies my belief that the death penalty is still a very important sentence to keep here in the state of Maryland."

With Maryland lawmakers expected to again debate death penalty repeal during the legislative session, Shellenberger said, "I hope the General Assembly takes a look and sees that in this area of representative democracy, a majority of people in the state are still in favor of this sentence."

The Sun last surveyed Maryland voters about the death penalty in 2001 and 2002, though the results are not directly comparable to the current poll. Those surveys took place amid the debate over enacting a death penalty moratorium while the state studied whether capital punishment was applied fairly, and the poll did not directly ask whether voters wanted to ban capital punishment outright. In 2002, 47 percent said they opposed a moratorium and 45 percent said they supported it. The results were similar in 2001.

The state has executed five convicted murderers since the legislature reinstated a death penalty law in 1978.

State executions were halted in December 2006 when Maryland's highest court ruled that the state's lethal injection procedures were improperly developed and must be rewritten with the required legislative oversight and public input.

O'Malley, a death penalty opponent, has held off directing prison officials to draft new regulations, saying he wants to give the General Assembly an opportunity this year to debate repeal.

A repeal bill was defeated by one vote in a Senate committee last year.

The Sun poll asked respondents specifically whether Maryland should follow the lead of New Jersey, which abolished the death penalty in December.

The poll revealed that two groups of voters most open to banning capital punishment are blacks (46 percent would ban it; 42 percent would not) and Jews (51 percent would ban it; 39 percent would not).

Robin Redding, 55, of Hamilton, said her feelings about the death penalty have evolved, in part, from her Jewish faith.

"If you make a mistake, you can't take it back," the insurance underwriter said. She added that life without parole is a reasonable alternative to the death penalty "because they can't get out and do something again but it's not killing them."

But others said some crimes require more severe punishment than a lifetime behind bars.

"For certain real heinous crimes, the death penalty should still be around," said Robert Bolden, 26, an engineer who lives in Garrett County. "I can see the point somewhat of saying it is cruel and unusual punishment. But you have to look at the facts of what they did to someone else. I'm sure that what they did wasn't the nicest of ways to let someone go."

jennifer.mcmenamin@baltsun.com

BALTIMORE COUNTY MARYLAND  
400 WASHINGTON AVE  
TOWSON, MD 21204-4606